

EXHIBIT B

12/5/2024

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, et al.,)

)

Individual and)

Representative)

Plaintiffs,)

)

v.)

)

META PLATFORMS, INC.,)

)

Defendant.)

)

Case No. 3:23-cv-03417-VC

** CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER **

Videotaped Deposition of meta Platforms, Inc.

by and through its corporate designee

SY CHOUDHURY

San Francisco, California

Thursday, December 5, 2024

Reported Stenographically by

Michael P. Hensley, RDR, CSR No. 14114

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1 THE WITNESS: Yeah. So in early April
2 there was a pause on licensing certain categories of
3 data that included the text data -- some of the text
4 data categories.

5 BY ATTORNEY PRITT:

6 Q. And what text categories did that include?

7 A. That included fiction books, nonfiction
8 books, and coding.

9 Q. Any other categories?

10 A. No. Those are the three that we decided
11 to pause on.

12 Q. And what are the data categories that
13 you -- that Meta decided not to pause on in early
14 April 2023?

15 A. While we did not have an explicit
16 discussion or decision to not pause, the data
17 categories that -- the other data categories that we
18 were continuing to explore included images, videos,
19 and 3D objects.

20 Q. And why did Meta decide to pause its
21 licensing process for acquiring fiction books,
22 nonfiction books, and coding data for its LLMs in

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1 early April 2023?

2 ATTORNEY HARTNETT: And I would just
3 object to the extent that you need to respond with
4 attorney-client privilege, please exclude that from
5 your answer. If you can respond without reference
6 to that, you can answer.

7 THE WITNESS: There was a meeting I had
8 with my boss, Marc Shedroff, and our attorney,
9 Natascha Parks, and the content of the meeting is
10 under attorney-client privilege.

11 All I can say is that we considered and
12 discussed a variety of factors and agreed that the
13 decision would be to pause on those three
14 categories.

15 BY ATTORNEY PRITT:

16 Q. Now, were there any business reasons for
17 deciding to pause the licensing process for
18 acquiring fiction books, nonfiction books, and
19 coding data for use in Meta's LLMs, at that time?

20 ATTORNEY HARTNETT: And I would just have
21 the same objection and instruction. You can answer
22 if there's a nonprivileged information you can

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1 provide.

2 THE WITNESS: There's only privileged
3 information in that meeting, and so I'm not able to
4 talk further about that.

5 BY ATTORNEY PRITT:

6 Q. Okay. So to clarify, it's Meta's
7 testimony that there were no business reasons for
8 deciding to pause the licensing process for
9 acquiring fiction books, nonfiction books, and
10 coding data for use in Meta's LLMs in early
11 April 2023; is that correct?

12 ATTORNEY HARTNETT: Objection to the form.
13 Misstates his testimony.

14 I -- if you can answer as to whether there
15 are business reasons that don't entail conveying
16 legal advice, you may answer. If not, I instruct
17 you not to answer.

18 THE WITNESS: The -- although this is not
19 comprehensive, the coding and textbook categories do
20 not -- do not apply to the one, I'll say, business
21 reason.

22 I'd like to point out that the -- in the

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1 of licensing that data for use in its LLMs?

2 A. That's correct.

3 Q. And when we're referring to the April 2023
4 data point, did the engineering and product teams
5 ask the business development team to stop its
6 licensing efforts for fiction and nonfiction books
7 and code for use in Meta's LLMs?

8 A. No. That decision was -- had engineering
9 and products's input, but that was part of the
10 meeting that I'm telling -- that I mentioned that
11 was attorney-client privileged.

12 Q. And what was engineering and products's
13 input?

14 A. I was not aware of what -- they did not
15 provide that input to me. They provided that input
16 directly to Marc Shedroff, my boss.

17 Q. Did he tell you what that input was?

18 A. That is under attorney-client privilege as
19 we had that discussion there.

20 Q. Is Marc Shedroff a lawyer?

21 A. No.

22 Q. Okay. So I'm going to ask again. What

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1 did Marc Shedroff tell you was engineering and
2 product -- the engineering and product teams's
3 input?

4 ATTORNEY HARTNETT: And I would just ask
5 the witness, to the extent that Mr. Shedroff learned
6 that in a meeting with the engineering team and
7 counsel, and the extent that there was
8 attorney-client privilege involved in how
9 Mr. Shedroff conveyed that to you, you can exclude
10 that from your answer.

11 If you know information that Mr. Shedroff
12 had from the engineering team that is not covered by
13 attorney-client privilege, you can answer with that.

14 THE WITNESS: My understanding was that
15 Mr. Shedroff was in a meeting with -- with attorneys
16 and asking for their advice and also with -- with
17 attorney-client privilege.

18 BY ATTORNEY PRITT:

19 Q. So is your testimony that the input that
20 Mr. Shedroff received from the engineering and
21 product teams related to the April 2023 decision to
22 pause licensing, there was -- that input was legal

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1 advice?

2 ATTORNEY HARTNETT: Objection to the form.

3 I think it misstates his testimony.

4 To the extent he's in a -- he's conveying
5 information that he learned from his boss that was
6 part of a privileged conversation between his boss,
7 counsel, and the engineers.

8 Our position is that he has to figure out
9 whether or not he is conveying information that
10 Mr. Shedroff learned from the engineers separate
11 from the legal advice that was being given in that
12 meeting.

13 So I'm asking him to try and separate that
14 and convey anything that was not infused with legal
15 advice. And you can answer.

16 THE WITNESS: The meetings that Mark had
17 was -- with engineers was infused with legal advice.
18 And when we -- Mark and myself and Natasha were
19 discussing all the pros and cons, we -- and all the
20 facets before we made the decision that was also
21 with discussing both the, as we talked about, the
22 business and the legal aspects of a decision before

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1 we decided to pause.

2 BY ATTORNEY PRITT:

3 Q. Okay. So I just want to get clear on the
4 record. Your understanding is that the engineering
5 and product teams input into the decision whether or
6 not to pause licensing efforts in April 2023 that
7 we've discussed, all of that involved legal advice?

8 ATTORNEY HARTNETT: Objection to the form.

9 You should testify only based on what you
10 know, but you should testify on what you know.

11 BY ATTORNEY PRITT:

12 Q. Correct. I asked for your understanding.

13 A. Sorry?

14 Q. I asked for your understanding.

15 A. Yeah. My understanding is that when Marc
16 had the discussion with engineering and product,
17 that also included legal and legal advice, yes.

18 Q. Okay. But you're also testifying on
19 behalf of Meta at this time; so it Meta's position
20 that the input provided by the product and
21 engineering teams into the decision to pause
22 licensing efforts in April 2023 is completely